

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

EON CORP. IP HOLDINGS, LLC, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> SENSUS METERING SYSTEMS, INC., <p style="text-align: center;">Defendant.</p>	§ § § § § § § § §	Civil Action No. _____ <p style="text-align: center;">JURY TRIAL REQUESTED</p>
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PLAINTIFF EON CORP. IP HOLDINGS, LLC’S ORIGINAL COMPLAINT

Plaintiff EON Corp. IP Holdings, LLC (“EON”) files this Original Complaint for patent infringement against defendant Sensus Metering Systems, Inc. (“Sensus”) for infringement of U.S. Patent No. 5,388,101 (the “101 Patent”) and U.S. Patent No. 5,481,546 (the “546 Patent”) (collectively, the “Patents-in-Suit”) pursuant to 35 U.S.C. §271. Copies of the Patents-in-Suit are attached as Exhibits A and B.

PARTIES

1. Plaintiff EON Corp. IP Holdings, LLC is a Texas limited liability company with its registered office located at 110 North College, 500 Plaza Tower, Tyler, Texas 75702.

2. Defendant Sensus is a Delaware corporation with its principal place of business at 8601 Six Forks Road, Suite 300, Raleigh, North Carolina 27615-2965. The causes of action against Sensus in this Complaint arose from or are connected with purposeful acts committed by Sensus in Texas because, within the State of Texas and/or this judicial district, Sensus (a) uses or induces others to use a two-way communication network to provide paging, messaging, and/or telemetry services and (b) transacts other business in Texas. Sensus may be served with process

by serving its registered agent, CT Corporation System, at 350 North St. Paul Street, Dallas, Texas 75201.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. §271.

4. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant. Defendant has conducted and does conduct business within the State of Texas. Defendant, directly or through intermediaries, offers for sale, sells, and/or advertises (including through the provision of an interactive web page) its services in the State of Texas and/or the Eastern District of Texas. These infringing services have been and continue to be purchased and/or used by consumers in the State of Texas and/or the Eastern District of Texas. Defendant has committed the tort of patent infringement within the State of Texas, and has committed the tort of patent infringement within the Eastern District of Texas.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§1391 and 1400(b).

COUNT 1: PATENT INFRINGEMENT

7. On February 7, 1995, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ‘101 Patent entitled “Interactive Nationwide Data Service Communication System for Stationary and Mobile Battery Operated Subscriber Units” after a full and fair examination. EON is the assignee of all rights, title, and interest in and to the ‘101

Patent and possesses all rights of recovery under the '101 Patent, including the right to recover damages for past infringement.

8. On January 2, 1996, the USPTO duly and legally issued the '546 Patent, entitled "Interactive Nationwide Data Service Communication System for Stationary and Mobile Battery Operated Subscriber Units" after a full and fair examination. EON is the assignee of all rights, title, and interest in and to the '546 Patent and possesses all rights of recovery under the '546 Patent, including the right to recover damages for past infringement.

9. Each of the Patents-in-Suit is valid and enforceable.

10. Upon information and belief, Sensus has been and is now infringing, directly and indirectly by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents, the Patents-in-Suit in this District, the State of Texas, and elsewhere by making, using, offering for sale, and/or selling two-way communication networks and/or data systems that fall within the scope of at least one claim of each of the Patents-in-Suit.

11. EON has no adequate remedy at law against Defendant's acts of infringement and, unless Defendant is enjoined from their infringement of the Patents-in-Suit, will suffer irreparable harm.

12. EON is in compliance with the requirements of 35 U.S.C. §287.

13. Defendant, by way of its infringing activities, has caused and continue to cause EON to suffer damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, EON prays for the following relief:

A. A judgment in favor of EON that Defendant has infringed, directly and indirectly by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents, the Patents-in-Suit;

B A permanent injunction enjoining Defendant and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with any of them from infringing, inducing the infringement of, or contributing to the infringement of the Patents-in-Suit;

C. An award to EON of the damages to which it is entitled under 35 U.S.C. §284 for Defendant's past infringement and any continuing or future infringement up until the date Defendant is finally and permanently enjoined from further infringement, including compensatory damages;

E. A judgment and order requiring Defendant to pay the costs of this action (including all disbursements) as well as attorneys' fees as provided by 35 U.S.C. §285;

F. An award to EON of pre-judgment and post-judgment interest on its damages; and

G. Such other and further relief in law or in equity to which EON may be justly entitled.

DEMAND FOR JURY TRIAL

EON demands a trial by jury of any and all issues triable of right before a jury.

DATED: March 13, 2009.

Respectfully submitted,

JACKSON WALKER LLP

/s/ A.M. (Russ) Meyer, Jr.

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